

5 Stone Buildings

“The best Chancery set bar none”

LEGAL 500

Channel Islands Conference 2020

Monday 27 January

Royal Bank of Canada,
Gaspé House,
66-72 The Esplanade, St Helier
Jersey, JE2 3QT

Tuesday 28 January

The Old Government House
Hotel & Spa,
St Ann's Place, St Peter Port
Guernsey, GY1 2NU

Programme

13.30 Registration
13.40 Conference
18.00 Drinks Reception

If you or a colleague are interested in attending this conference please email: ckearney@5sblaw.com

“5 Stone Buildings is the ‘first choice’ for ‘big tax and trust cases’”

CHAMBERS UK

Members of 5 Stone Buildings are highly regarded specialists in a wide variety of areas, including trusts law (both offshore and onshore), wills, estates and family provision, mental capacity law, art and cultural property, taxation, real property, pensions and charities.

5 Stone Buildings is “highly regarded for offshore trust work” (Legal 500)

In the modern, interconnected world, an ever larger number of clients have interests that extend across different legal jurisdictions. Cross-border contentious and advisory work in relation to international trusts and estates, including civil fraud and asset tracing claims, forms an increasingly important part of our expertise.

Members of chambers are experienced in working with lawyers in other jurisdictions on international and cross-border cases, including as part of major multi-national litigation teams. We have built up substantial and long-standing connections in many overseas jurisdictions, particularly in the Channel Islands and further afield. Our members have been involved in and advised on matters from Jersey, Guernsey, Hong Kong, the British Virgin Islands, Cayman, the Bahamas and other Caribbean jurisdictions.

We welcome you to our Channel Islands conference and look forward to sharing our expertise with you.

13:30 **REGISTRATION**

13:40 **CHAIR OPENING REMARKS** - Penelope Reed QC and Matthew Paton

13:45 **TRUSTEES' APPLICATIONS: PUBLIC TRUSTEE V COOPER & BEDDOE RELIEF**
- Tracey Angus QC and Jordan Holland

This session will consider applications by trustees under Article 51 of the Trusts (Jersey) Law 1984 and Section 69 of the Trusts (Guernsey) Law 2007; in particular applications for the “blessing” of momentous decisions without the surrender of the trustees’ discretion and applications for Beddoe relief. This will also address the appropriate approach to the court’s jurisdiction, the trustees’ disclosure obligations and costs.

14:30 **SUCCESSION, HUMAN RIGHTS AND SHARIA FORCED HEIRSHIP - WHERE ARE WE NOW?** – Henry Legge QC and Edward Hewitt

This session will discuss recent case law from England and Strasbourg indicating that human rights have a role to play in estates and trusts. What is the current position? How is it likely to develop? And why is this relevant to the private client practitioner?

15:15 **QUESTIONS OF CAPACITY** – David Rees QC and Ruth Hughes

- A comparison of the Mental Capacity jurisdictions in England and Wales, Jersey and Guernsey
- Recognition of foreign orders and powers of attorney in England and Wales

16:00 **COFFEE BREAK**

16:30 **UK TAX ISSUES FOR CI PROFESSIONALS** – Amanda Hardy QC and Oliver Marre

This session will explore domicile enquiries & challenges, CGT/SDLT on UK property transactions, tax reporting and compliance requirements, and an update on recent cases.

17:15 **CHANGING THE TERMS OF TRUSTS: TERMINATION, VARIATION AND AMENDMENT** – Will East, Mathew Roper, Sam Chandler, Alex Drapkin and Rose Fetherstonhaugh

18:00 **CLOSING REMARKS**

18:05 **DRINKS RECEPTION**

SPEAKERS



PENELOPE REED QC

Penelope Reed QC has a wide Chancery practice with special emphasis on trusts, wills, contentious probate, family provision claims and tax, both in the UK and overseas.

She acted for the successful charities in their appeal to the Supreme Court in *Ilott v Mitson* [2017] UKSC 17 and the corporate Jersey trustees in *Crociani v Crociani* [2017] JRC 146; [2018] JCA136A (Court of Appeal).

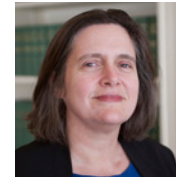
Penelope is recommended by all the leading directories, is described as “faultless. Her advice is delivered succinctly and without hesitation, inspiring the greatest of confidence in both her instructing solicitors and her clients.” She is praised for her mastery of contentious probate, trusts and capital tax matters. She is an accredited mediator, Deputy High Court Judge, a member of STEP, ACTAPS and until recently was the chair of the Chancery Bar Association. She lectures and publishes widely on all areas of her expertise.



MATTHEW PATON

Matthew’s practice encompasses all aspects of traditional and commercial chancery with particular focus on litigation in offshore and onshore trust and probate, related company matters, fraud and asset tracing, conflict of laws and jurisdictional challenges. Matthew regularly appears in the County and High Courts, and has been led up to the Privy Council.

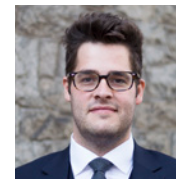
Ranked as a Leading Junior for Offshore in Legal 500, Matthew frequently advises in matters arising from all of the principal offshore jurisdictions, including the British Virgin Islands, Bermuda, Cayman and Jersey and Guernsey. He has also acted as an expert on Bahamian law in the English and US courts. As well as acting as sole counsel Matthew has significant experience and welcomes being instructed as part of a larger team.



TRACY ANGUS QC

Tracey Angus QC has a traditional Chancery practice focused on contentious trusts (domestic and offshore), probate disputes, family provision claims, equitable claims, Court of Protection applications and professional negligence claims arising out of these areas of work.

She has appeared in many high profile cases of significance in these fields, including *Wesley v Chantler* [2018] EWHC 21 (Will construction), *Dellal v Dellal* [2015] EWHC 907 (family provision, anti-avoidance), *Re Lucian Freud* [2014] EWHC 2577 (secret trusts), *Gill v RSPCA* [2010] EWCA Civ 1430 (validity of Will, testamentary estoppel) and *P v G,P* [2006] 1 FLR 432 (first “big money” widow’s claim post-White). Tracey regularly advises parties on trust aspects of matrimonial finance. She is a contributing author to the Law Society’s guide on Inheritance Act claims.



JORDAN HOLLAND

Jordan Holland has a wide Chancery practice with an emphasis on offshore and domestic trust disputes, contentious probate, family provision, Court of Protection matters and disputes involving art and cultural property.

He has significant experience of working in larger teams as well as cases where he is sole instructed counsel and has appeared in a number of major offshore trust disputes in recent years, including the Trilogy litigation and the *Crociani* litigation. Recent onshore cases include *Re Earl Bathurst (Deceased)* [2018] EWHC 21 (Ch) (rights of life tenants) and *Tish v Olley* [2018] EWHC 1069 (Ch) (annuities in wills). He is also noted for his art and cultural property practice. Chambers & Partners lists him as a leading junior in its Offshore section and describes him as “very engaging with clients, a hard worker and tenacious”.

SPEAKERS



HENRY LEGGE QC

Henry Legge QC practice includes a broad range of Chancery work, but with particular emphasis on cases involving trusts, estates, pension schemes and art.

He has appeared in many high-profile trust disputes both onshore and offshore (e.g. the litigation relating to the estate of Boris Berezovsky, Trilogy, Crociani; and the Longleat litigation). He has extensive experience of acting for claimants and defendants in professional negligence claims in all of these areas. He has an additional area of expertise in disputes involving works of art and chattels.

In addition to his forensic practice, Henry has acted as an expert witness in foreign courts in all of his areas of expertise. “He is super experienced and super bright, a safe pair of hands. He is a considered silk and there is huge respect for him in the industry. He is very easy to work with and very approachable.” “He’s a highly tactical and subtle QC who is incredibly clever, but in a way that’s so subtle you don’t always notice it.” Chambers and Partners Trusts 2020 “Quick to absorb matters, very bright and good tactically on contentious matters.” Legal 500 Private Clients—Trusts and Probate.



EDWARD HEWITT

Edward Hewitt has a wide Chancery practice and accepts instructions in all of Chambers’ practice areas.

He is regularly instructed in relation to challenges to the validity of wills, claims brought pursuant to the Inheritance (Provision for Family and Dependents) Act 1975 and all manner of trust disputes, both on and offshore, where he has advised on Jersey trust disputes and has appeared unled in the Grand Court of the Cayman Islands. He has experience in advising and acting in claims brought pursuant to the Variation of Trusts Act 1958, applications for the proper construction and the rectification of wills and trust instruments and applications for the removal and substitution of trustees and personal representatives. Edward also has experience of litigating in the Court of Protection and of professional negligence claims in the private client arena.

On the non-contentious side, Edward has experience drafting and advising in relation to wills, trusts and estates and ancillary tax issues. Edward is a native Italian speaker and is often instructed in cases involving an Italian element.



DAVID REES QC

David Rees QC was called to the Bar of England and Wales in 1994. He was appointed as Queen’s Counsel in 2017, as a Recorder in 2012 and as a Deputy High Court Judge in 2018.

David is well known for his experience in wills, trusts, estates and mental capacity matters. He is ranked in Chambers UK Bar Guide 2020 for both Traditional Chancery and Court of Protection. He is regularly instructed in high value and complex probate and inheritance disputes and has recently appeared before the Supreme Court in relation to a dispute under the Inheritance Tax Act 1984. He is frequently instructed by the Official Solicitor in England and Wales and has appeared in many leading cases under the Mental Capacity Act 2005. He has particular expertise in cross-border mental capacity disputes and the recognition of foreign orders by the Court of Protection. David is the Vice Chair of the Court of Protection Bar Association, the General Editor of Heywood & Massey’s Court of Protection Practice and is a member of the Court of Protection Rules Committee. He writes and lectures regularly on all areas of his practice.



RUTH HUGHES

Ruth Hughes has a wide-ranging trusts, estates and tax practice. She has recently advised on disclosure issues faced by Guernsey trustees caused by a settlor’s concern that he might be required to provide information to HMRC regarding the settlement.

Ruth has also provided advice relating to a number of offshore employee benefit trusts including in Jersey. She has also advised in relation to the transfer of assets abroad regime to trusts established in Gibraltar. Ruth has a strong interest in philanthropic giving and appeared in the *Quan v Bray* litigation [2017] EWCA Civ 405 centring on Mauritian trusts of South African land held for 22 highly endangered Chinese Tigers. King LJ described her written and oral advocacy as “exemplary”. Ruth has a vibrant Court of Protection practice often appearing for the Official Solicitor as well as for professional deputies and private litigants. Ruth is ranked Band 1 for Court of Protection in Chambers and Partners 2020.

Ruth frequently acts in multi-million-pound estates involving tricky cross-border elements. The directories have this to say “Her knowledge is exceptional and she turns things around extremely quickly. She’s also very impressive on her feet.” “She’s technically excellent, but also fully alive to the difficult circumstances that many of these cases involve.”

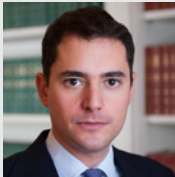
SPEAKERS



AMANDA HARDY QC

Amanda Hardy QC has appeared recently in the Supreme Court, the High Court and the First-Tier Tax Tribunal and has been involved in litigation in many areas of direct and indirect tax, including trusts and offshore trusts (appearing in the High Court in five recent separate applications to vary extremely substantial trusts and in relation to the effect of Double Tax Treaty provisions on trust arrangements).

Her advisory private client work focuses on offshore trusts, residence and domicile issues, divorce and pensions tax. She has written the second edition of Tolley's Statutory Residence Text (published December 2017). She is described as "a standout silk" who 'has the ability to command the room' and is Vice Chair of the Chancery Bar Association, Liveryman of the Worshipful Company of Tax Advisors and a Bencher of Middle Temple. She sits on the STEP Main Technical Committee.



OLIVER MARRE

Oliver Marre has a practice encompassing all areas of tax law, both contentious and non-contentious. This year's Legal 500 directory listed him as a leading practitioner with the comment: "He is a first-rate advisor and advocate; he removes the mystique from tax law."

Much of Oliver's work has an overseas element, as recognised by his rankings not just in Chambers UK but also Chambers Global and Chambers HNW which says: "He cuts through the jargon and gives you a simple answer. It's built upon his extensive knowledge but in the heat of negotiations he's happy to cut through the chat and get to the point."

Oliver has a significant number of clients with Channel Islands connections ranging from individuals to trust companies and from corporates to family charities. He has also advised and represented the governments of other British overseas territories and crown dependencies; including, in the case of Gibraltar, in CJEU litigation.



WILLIAM EAST

William East has a general Chancery practice in all areas of work undertaken at 5 Stone Buildings.

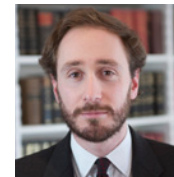
He makes regular appearances in the High Court in London, and often acts in trusts and estates cases which have an offshore element to them, including those with a trusts/ matrimonial crossover. He is listed in Chambers & Partners as a leading junior in the categories of High Net Worth, Chancery: Traditional and Court of Protection: Property & Affairs.



MATHEW ROPER

Mathew Roper's practice covers all areas of traditional Chancery work both onshore and offshore, with an emphasis on contentious trust and estate disputes (for which he is ranked as a leading junior in Legal 500), professional negligence and the property and affairs jurisdiction of the Court of Protection.

His cases include Cotton v Earl of Cardigan (blessing of a momentous decision); Fielden v Christie-Miller (rectification of a deed of appointment and proprietary estoppel); RNLI v Headley (duty of trustees to account); Bullard v Bullard (rectification of a settlement); ADS v DSM (statutory will); Re AR (authority and remuneration of deputies); and Re KP (expenses of a deputies). Mathew also has a busy non-contentious practice advising on the administration and taxation of trusts and estates both onshore and offshore.



ALEXANDER DRAPKIN

Alexander Drapkin has a broad traditional chancery practice incorporating both litigation and advisory work. His practice is predominantly split between all manner of trust and inheritance disputes, the work of the Court of Protection and non-contentious trust, estate and taxation advice. He has experience of tax-driven variation of trusts and rectification applications.

Alexander's contentious trust work includes all actions for breach of trust and the removal of trustees, establishing resulting and common intention constructive trusts, construction and rectification of trust documents, and applications for directions.

In relation to estates, Alexander deals with probate and estate administration claims of all kinds, as well as claims for the construction and rectification of wills. In the Court of Protection Alexander predominantly accepts instructions in property and affairs cases but also acts in those with a welfare element.

SPEAKERS



SAM CHANDLER

Sam Chandler maintains a busy Chancery practice in all areas of chambers' work. He regularly appears in the county courts, the High Court, the Court of Protection, and the Tax Tribunals (both the FTT and the UT), both as sole advocate and as junior counsel.

He has also gained substantial experience in non-contentious Chancery work, including advising and drafting around complex issues relating to trusts and estates and their taxation.

Sam has experience of high value and complex litigation, having spent much of the last two years successfully acting for HMRC in the £1 billion Ingenious litigation (led by Malcolm Gammie CBE QC), and the £300m Icebreaker litigation (led by Jonathan Davey QC). He has also gained significant experience of offshore commercial chancery work, having spent three months seconded to a Jersey firm in 2015.



ROSE FETHERSTONHAUGH

Rose Fetherstonhaugh has a busy Chancery practice with particular experience in trusts disputes (including those with a matrimonial element), removal of trustees, probate claims, Court of Protection litigation (property and affairs), family provision, and cases involving art and cultural property.

She was recently seconded to a top-tier private client law firm, where she gained valuable experience of working in a large team on major private wealth disputes both offshore and onshore. Rose's recent cases include Hameed v Packe [2018] EWHC 3061 (Ch), in which she appeared for the successful claimant. She also has experience of non-contentious trust advice and drafting. Rose is a qualified ADR Group civil and commercial mediator.



LUKE HARRIS

Luke Harris has a commercial Chancery practice including trusts, contentious probate, the administration of estates, 1975 Act claims, proprietary estoppel, the sale of goods, tracing claims and restitution.

Luke has particular expertise in claims involving art and antiquities in claims involving objects of cultural and artistic value, many of which have a strong element of trusts and equity. He is currently the only Band 1 listed junior in the field of Art & cultural Property in Chambers & Partners 2020.



PAUL JENNINGS

Senior Clerk

Paul Jennings is as well-known as his members and is 'great at maintaining relationships between his barristers and those instructing them'. Jennings 'runs a tight ship with humour' and 'is always available (and commercially realistic) for the discussion of fees'. Asked how chambers could improve, one solicitor replied: 'Hard to say when they are so close to perfection'. Legal 500



CATHERINE KEARNEY

Chambers Administrator

Catherine Kearney provides support to our barristers and staff across a wide range of matters including seminar and events management.